

REMARKS/ARGUMENTS

The claims are 2, 3, 6-15, 17-26, 28-30, 32 and 34. Claims 15 and 30 have been amended to better define the invention and to incorporate subject matter previously appearing in claims 31 and 33, respectively. Accordingly, claims 31 and 33 have been canceled. In addition, claim 27 has been canceled in view of the amendment to claim 15. Support for the claims may be found, *inter alia*, in the disclosure in the paragraph bridging pages 8-9. Reconsideration is expressly requested.

Claims 2-3, 6-15, 17-21, 23-24 and 28-30 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Jank et al. U.S. Patent No. 6,476,354* in view of *Hsu U.S. Patent No. 6,717,107*. The remaining claims were also rejected under 35 U.S.C. §103(a) as being unpatentable over *Jank et al.* in view of *Hsu* and further in view of *Tanaka et al. U.S. Patent No. 4,100,389* (claims 22 and 25), *Norrish et al. U.S. Patent Application Publication No. 2002/0008095* (claim 26), *Plottier et al. U.S. Patent No. 6,384,376* (claim 27), *Davidson et al. U.S. Patent Application Publication No. 2004/0069759* (claims 31 and 33), or *Ueyama et al. U.S. Patent No. 5,508,493* (claims 32 and 34).

In response, Applicant has amended claims 15 and 30 to better define the invention and respectfully traverses the Examiner's rejection for the following reasons.

Claims 15 and 30 have been amended to specify that the welding process phase having a low energy input is represented by a cold-metal-transfer phase including a reversed wire conveyance as described in the paragraph bridging pages 8-9 of Applicant's disclosure. As the Examiner has recognized, neither the primary reference to *Jank et al.* or the secondary reference to *Hsu* discloses or suggests a method or device wherein the second welding process phase is a cold-metal-transfer phase. Although the Examiner has taken the position that the secondary reference to *Davidson et al.* discloses a cold-metal-transfer process, it is respectfully submitted that there is nothing in *Davidson et al.* (or *Jank et al.* and *Hsu*) that would have led one skilled in the art to make the modification proposed by the Examiner.

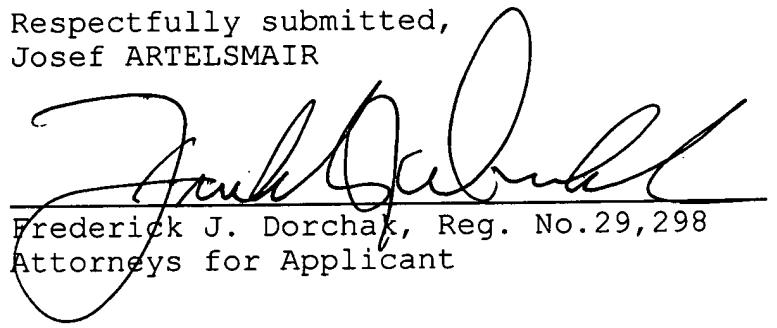
Even if the hypothetical combination was made, it is respectfully submitted that there is no disclosure or suggestion in *Jank et al.*, *Hsu* or *Davidson et al.* of a reversed wire conveyance as recited in Applicant's claims 15 and 30 as amended.

The remaining references to *Tanaka et al.*, *Norrish et al.*, *Plottier et al.* and *Ueyama et al.* have been considered but are believed to be no more relevant. There is no disclosure or suggestion in any of these references of a welding device or method for controlling or adjusting a welding process where the first welding process phase has a high energy input and a first material transition and the second welding process phase comprises a cold-metal-transfer phase having a low energy input and a second material transition different from the first material transition, and wherein during the cold metal process phase the welding wire is conveyed via a wire conveyance in the direction of the work piece until contacting the work piece and the wire conveyance is subsequently reversed after a short-circuit has been created to move the welding wire back to a predefined distance from the work piece.

Accordingly, it is respectfully submitted that claims 15 and 30 as amended, together with claims 2-3, 6-14 and 34 which depend on claim 30 as amended and claims 17-26, 28-29 and 32 which depend directly or indirectly on claim 15 as amended, are patentable over the cited references.

In summary, claims 15 and 30 have been amended and claims 27, 31 and 33 have been canceled. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,
Josef ARTELSMAIR


Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicant

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

FJD:cmp

EXPRESS MAIL NO. EM 574 417 676 US
Date of Deposit: February 16, 2011

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, on the date indicated above, and is addressed to the MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Kelly Espitia

R:\Patents\A\ARTELSMAIR 6 PCT\RCE-2\Preliminary Amendment in RCE.wpd